UNITED NATIONS

General Assembly

FORTY-SEVENTH SESSION

Official Records

SIXTH COMMITTEE
35th meeting
held on
Monday, 16 November 1992
at 3 p.m.
New York

SUMMARY RECORD OF THE 35th MEETING

Chairman:	Mr. ZARIF	(Islamic Republic of Iran)
later:	Mrs. FLORES (Vice-Chairman)	(Uruguay)
later:	Mr. ZARIF (Chairman)	(Islamic Republic of Iran)

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92-57809 6369S (E)

Distr. GENERAL
A/C.6/47/SR.35
1 December 1992

ORIGINAL: ENGLISH

The meeting was called to order at 3.15 p.m.

AGENDA ITEM 128: UNITED NATIONS DECADE OF INTERNATIONAL LAW (continued) (A/47/384 and Add.1, A/47/67, A/47/60-S/23329, A/47/356-S/24367; A/C.6/47/6; A/C.6/47/L.12)

1. Mr. HALFF (Netherlands) said, with regard to the proposal to convene a United Nations Congress on public international law, that the request to the Secretariat to draw up a preliminary operational plan was appropriate. Careful planning was needed: consideration must be given to the logistical and financial aspects, to ensuring that there was no additional budgetary burden for the United Nations and, above all, to what was to be achieved. The Congress should not be a mere repetition of the work in the Committee; his delegation supported the idea of organizing seminars and workshops on subjects taken from the practice of international law or having a certain public appeal.

2. During the first term of the United Nations Decade of International Law, important projects and activities had been undertaken by most States to achieve the four main goals of the Decade. The useful proposals for activities contained in the report of the Secretary-General (A/47/384 and Add.1) could give some guidance on the work that needed to be done during the second term. However, the principal aim of the Decade was the promotion and strengthening of the role of international law in the policies of Member States. That meant that States had the responsibility of further studying and evaluating the role of international law in their own national and international policies, so as to ensure that international developments in the field of international law were properly taken into account and implemented in national law and policy. Those studies would necessarily contribute to acceptance of and respect for the principles of international law. In the Council of Europe, studies were being undertaken to compile and compare State practice in several fields of international law. International cooperation was needed to help developing countries in the process of applying international law in their own legislation and practice.

3. The state of affairs in international relations called for renewed and growing attention to international law. Differences of opinion and possible sources of conflict that might arise should be approached by adhering to the rule of law and engaging in preventive diplomacy rather than gun-boat diplomacy. The International Court of Justice played a pivotal role in that respect; fundamental initiatives aimed at strengthening that role were called for. His delegation supported the Secretary-General's view in his report "An Agenda for Peace" that the Court was an under-used resource and that greater reliance on the Court would be an important contribution to United Nations peacemaking. In view of the fact that only a minority of Member States had accepted the compulsory jurisdiction of the Court, and many had made reservations, the Secretary-General should request Member States that had not yet accepted the Court's compulsory jurisdiction to indicate the reasons. The replies of those Member States could provide the basis for a substantial debate in the Committee that could lead to better understanding and increased

(Mr. Halff, Netherlands)

appreciation of the Court. The Netherlands was in favour of broader and more frequent requests for advisory opinions from the Court, and supported the idea of allowing the Secretary-General to request advisory opinions.

4. He appealed to States which had not yet done so to accede to the 1899 Hague Convention for the Pacific Settlement of International Disputes and the 1907 Hague Conventions establishing the Permanent Court of Arbitration. States should actively assist in revitalizing the Permanent Court's role, since it could play a useful role in the current era.

5. His delegation would have preferred to maintain the item "Protection of the environment in times of armed conflict" on the agenda, but looked forward to considering that important legal subject in the framework of the Decade.

6. Mr. SOARES (Brazil) said that the United Nations Decade of International Law would ultimately encourage the progressive development and wider appreciation of international law. In that context, his Government had accorded priority to the publication and updating of the list of international agreements to which Brazil was party. It was gratifying that Member States were to have access to an on-line system containing the status of all multilateral treaties that were deposited with the Secretary-General.

7. The Secretary-General should be authorized to seek advisory opinions from the International Court of Justice; that authorization would ultimately contribute to the strengthening of international law.

8. During the current year, Brazil had acceded to or ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and signed the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity. It had also become a party to the American Convention on Human Rights.

9. Over the past two years, Brazil had promoted a great many lectures on international law; the Brazilian Society of International Law had resumed its activities and the publication of bulletins. In the academic field, the University of São Paulo had undertaken many activities to encourage the study of international law.

10. Brazil attached high priority to the convening of a congress on public international law, an initiative that would benefit the international community as a whole and provide a unique opportunity for debating in a constructive manner the recent evolution of international law. On the issue of the level of participants, his delegation would prefer experts in international law and representatives of States to attend, so as to have a comprehensive approach to matters of international law. It was of crucial importance to establish an international committee, in coordination with the Secretariat, to define the agenda, goals and programme of the conference. The

(Mr. Soares, Brazil)

round-table discussions organized in cooperation with non-governmental organizations had provided an opportunity for a very interesting exchange of views on various topics of international law.

11. Mr. AL-WAHEEBI (Oman), noting that recent international political developments had clearly demonstrated the need to promote compliance with the principles of international law, said that the purposes of the United Nations Decade of International Law were among the principal means whereby the Organization sought to enhance its role in maintaining international peace and security. It was apt that the Decade should coincide with publication of the Secretary-General's report entitled "An Agenda for Peace", with its emphasis on peacemaking and peace-keeping activities.

12. His country's policy, based on the purposes and principles of the Charter, diligently strove to promote acceptance of and respect for the principles of international law through accession to multilateral treaties and conventions and strict compliance with the obligations thereby entered into. It hoped that international organizations and States with broader experience in international law would help other States, and particularly developing countries, to participate in the codification of international legal instruments by providing related training opportunities.

13. Increasing acceptance of the rule of law in international relations must be accompanied by the establishment of mechanisms for the peaceful settlement of disputes. His country, which had consistently worked to ensure respect for that principle, believed that the role in that regard of the International Court of Justice should be strengthened and had contributed to the Secretary-General's trust fund to assist States in the settlement of disputes through the Court. Regional organizations should also play an enhanced role in maintaining regional peace, which in itself necessitated a strengthening of mechanisms for cooperation between such organizations and the agencies of the United Nations system.

14. Oman had been quick to understand the importance of encouraging the teaching, study, dissemination and wider appreciation of international law, and had incorporated the Charter, the Statute of the International Court of Justice and other related texts into its school curricula. Model study programmes, seminars and lectures, particularly for the benefit of developing countries, would help to achieve the desired objectives. In conclusion, his delegation believed that a conference on international law should be held during the next term of the Decade, provided that proper preparations were made in advance.

15. Mrs. FLORES (Uruguay) said that although the question of the promotion and development of international law concerned all States, it was of particular importance for developing countries. The best guarantee of peace was for States, in their international relations, to be guided by the rule of law. Her delegation's suggestions and comments in the previous year with

(Mrs. Flores, Uruguay)

regard to the four main goals of the Decade remained valid. In the course of the current year, Uruguay had ratified treaties such as the United Nations Convention on the Law of the Sea.

16. On the question of the peaceful settlement of disputes, it would be very useful to draw up a universal convention that would apply to all cases in which the various legal instruments did not envisage mechanisms for settling disputes; the system should provide for solving conflicts within reasonable periods, and would be initiated at the request of any of the parties to a dispute. The need for such a mechanism had become clear in various fields, including the environment. Uruguay supported the use of jurisdictional means for the settlement of disputes and, in particular, recourse to the International Court of Justice. It had been the first State to accept the compulsory jurisdiction of the Court. Bilateral treaties to which Uruguay was a party contained provisions referring to the binding jurisdiction of the Court.

17. Her delegation supported all activities for the progressive development and codification of international law. The convening of a Congress on public international law would contribute to achieving the goals of the Decade. The working group on the Decade should meet between sessions to promote the activities of the programme. With a view to greater dissemination of international law, continued efforts should be made to promote better use of the official languages of the United Nations in the publications and activities carried out within the Organization.

18. Mr. JOEDO (Indonesia) said that it was most appropriate that the initiative to declare a Decade of International Law had come from the non-aligned countries. The Decade afforded a unique opportunity for a collective appraisal of the best way for the international community to avail itself of the sweeping changes and new trends in the world with a view to enhancing respect for international obligations in promoting the purposes and objectives of the Charter.

19. Indonesia's policy consistently sought to advance international law and thereby codify the development of friendly relations and mutual cooperation among all nations in the world irrespective of differences in political or social systems, based on respect for State sovereignty, territorial integrity and non-interference. Indonesia had always supported the United Nations as the principal collective instrument through which Governments could resolve conflicts. It had sought to strengthen its various bodies as negotiating forums and to promote universal participation of States in multilateral treaties. The Convention on the Law of the Sea was an important instrument for maintaining law and order in ocean affairs, promoting cooperation among States, developing ocean resources and protecting the marine environment. His delegation hoped that all States would ratify the Convention so that it would enter into force as soon as possible.

(Mr. Joedo, Indonesia)

20. Within the framework of the Decade, priority should be given to the principle of peaceful settlement of disputes among States, taking into consideration the world's social, political and economic processes. That principle was fundamental to achieving a just world order wherein all States would work together to achieve the eradication of colonialism, ensure respect for sovereign rights and promote economic development through international cooperation that was fair and just to all peoples of the world.

21. The Commission and the United Nations Commission on International Trade Law (UNCITRAL) should increase their efforts for the progressive development of international trade law. UNCITRAL should encourage the active participation of all Member States, in particular developing States, in the preparation of universally acceptable legal texts. Further assistance should be given to developing States to enable them to participate more fully.

22. International cooperation based on the mutual recognition of equal rights and obligations of States was opening up new vistas for a more peaceful world. The objectives laid down by the non-aligned countries for a new international economic order, a new international information and communications order and the democratization of international relations as a whole could be secured by promulgating and respecting agreed norms of international conduct. The Decade could prove to be an extremely useful way to reiterate faith in the value of international law as a viable instrument for maintaining peace, cooperation and harmony in the world community.

23. It was very important that the United Nations should encourage the teaching, study and dissemination and wider appreciation of international law. The importance of respect for international law had been stressed at the Tenth Conference of Heads of State or Government of Non-Aligned Countries, in September 1992.

24. Mrs. Flores (Uruguay), Vice-Chairman, took the Chair.

25. Mr. JACOVIDES (Cyprus) welcomed the increased activity that had taken place in the field of international law during the first two years of the Decade. Ever since Cyprus had become an independent State in 1960, it had always endeavoured to abide by the rules of international law, to participate constructively in major United Nations law-making conferences and to make a contribution in areas such as developing compulsory third-party dispute settlement procedures and adopting progressive notions of international law. It had accepted without any reservation the compulsory jurisdiction of the International Court of Justice and had declared its willingness to refer to the Court, by way of advisory opinion or otherwise, the legal components of the major dispute which had been confronting it. Cyprus was convinced that, if the relevant principles of the Charter and other rules of international law had been applied, the Cyprus problem would not have arisen, and that the problem could be solved in the best interest of all parties concerned by implementing the relevant United Nations resolutions.

(Mr. Jacovides, Cyprus)

26. Cyprus had been closely associated with the initiation of the Decade idea which had emanated from the Ministerial Conference of the Non-Aligned Countries held in Nicosia in September 1988. The Non-Aligned Movement, representing the majority of the United Nations membership and having special reasons to ensure the primacy of international law and international relations, had much scope for additional activities in the field of public international law in support of legal principles important to the Movement's very existence; that had become even more relevant in the light of recent developments and the disappearance of a bipolar world.

27. Historic changes in the world offered renewed hopes and unique opportunities for strengthening the rule of law among nations and attaining peace with justice. The time was ripe for the codification and progressive development of many areas of international law. The report of the Secretary-General (A/47/384 and Add.1) indicated that much had been done during the first term of the Decade. His delegation strongly felt that the completion of the draft Statute of an international criminal court and of the draft Code of Crimes against the Peace and Security of Mankind would be major contributions of the Commission to the Decade. Important contributions had also been made by the Asian-African Legal Consultative Committee and the Meeting of the Senior Officials of Commonwealth Law Ministers held in Singapore in 1992; Cyprus was an active member of both organizations. The Symposium on Developing Countries and International Environmental Law and the Symposium on Developing Countries and International Law, hosted by the Government of China in 1991 and 1992, were of particular importance to developing countries. Implementation of the proposals contained in the Secretary-General's report "An Agenda for Peace" would be a major contribution to the Decade.

28. Cyprus supported the proposals regarding more frequent recourse to advisory opinions from the International Court of Justice and authorization to the Secretary-General to seek such opinions, acceptance by all Member States of the compulsory jurisdiction of the Court and support for the trust fund; it was encouraging to learn of the continuing and steady enlargement of the compulsory jurisdiction of the Court and to note that, in two cases before the Court, developing countries had already benefited from the trust fund.

29. His delegation supported the views expressed by the representative of the Netherlands concerning the peaceful settlement of disputes. The Government of Cyprus had decided to accede to the 1899 and the 1907 Hague Conventions for the Pacific Settlement of International Disputes, which would shortly be submitted to the House of Representatives for approval.

30. In his report "An Agenda for Peace", the Secretary-General referred to the collective security system provided in the Charter and the need to utilize Article 43 thereof. The Security Council should be able to avail itself of all options, including military force, under the Charter when all peaceful means had failed to remove a threat to the peace or a breach of the peace. Such a capacity was essential to the credibility of the United Nations and

(Mr. Jacovides, Cyprus)

would constitute a major deterrent to potential aggressors. His delegation strongly believed that resolutions of the United Nations, especially decisions of the Security Council, which were binding under Article 25 of the Charter, should be fully implemented in all cases and not selectively.

31. The acceptance of multilateral treaties was vital to the promotion of international law. In particular, the 1982 United Nations Convention on the Law of the Sea would be a major achievement of the Decade. In the field of environment and development, his delegation welcomed the signing of the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity and looked forward to further efforts and accomplishments in environmental law during the Decade.

32. The further dissemination and enhancement of the study of international law during the Decade was essential for promoting a clear understanding of the primacy of international law in international relations. In that connection, the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law had made a major contribution.

33. Cyprus welcomed the attention that was being given to the application of international law. It had itself acceded to the Optional Protocol to the International Covenant on Civil and Political Rights and had accepted article 25 of the European Convention on Human Rights. His delegation looked forward to the successful implementation of the Programme for the activities for the second term (1993-1994) of the Decade. It hoped, in particular, that consideration would be given to the proposal for a United Nations Congress on public international law to be held in 1994 or 1995. While the major purpose of the Decade was to enhance and solidify respect for international law, the Decade should also serve the purpose of popularizing it and, in that regard, he welcomed the proposal of the representative of Sweden for the preparation by the Secretariat of a short text for use in schools, as well as the role which could be played by the legal departments of Ministries of Foreign Affairs.

34. In conclusion, he reiterated the commitment of Cyprus to the promotion and primacy of international law in international relations and its adherence to the purposes and principles of the Charter as a central element governing relations among States.

35. Mr. VOICU (Romania) welcomed the increasing interest of States in implementing the Programme for 1990-1992, as registered by the relevant General Assembly resolutions. Among the activities undertaken by Romania within the framework of the Decade was the creation of a National Committee to coordinate the activities which would take place in Romania throughout the Decade. The National Committee included members of Parliament, officials from the Ministry of Justice and the Ministry of Foreign Affairs, and representatives of the academic community. On 12 November 1992, the National

(Mr. Voicu, Romania)

Committee had held a working session to assess the activities devoted to the Decade in 1991 and 1992. It had also been informed of the main proposals submitted during 1992 by various countries, including the proposal to start preparatory work for a United Nations Congress on public international law. The National Committee fully supported that initiative which could be linked both to the Decade and to the fiftieth anniversary of the United Nations. It believed, moreover, that the idea of convening a Conference on international law in 1999, on the occasion of the celebration of the 100th anniversary of the first Hague Conference, should also be taken into consideration by the Sixth Committee.

36. The various legal events which had taken place in Romania were related to implementing the Programme for the Decade included the adoption by the Constituent Assembly of the new Constitution of Romania, which had entered into force as a result of the referendum of 8 December 1991. The Constitution defined Romania as a national, sovereign and independent unitary and indivisible State. It contained specific provisions on international law and in it the State pledged to fulfil the commitments under the treaties to which it was a party. It also provided that treaties ratified by Parliament were part of domestic law and emphasized that the constitutional provisions on the rights and freedoms of citizens should be interpreted and applied in accordance with the Universal Declaration of Human Rights and other treaties and covenants. Finally, it stipulated that, in the event of disagreement between such covenants and treaties and domestic laws, the international regulations would have priority.

37. On the basis of the new Constitution, parliamentary and presidential elections had taken place in Romania in September and October 1992. The elections were an expression of the people's confidence in the structural changes and renewal of Romania over the previous three years and were clear evidence of the progress which the Romanian society had made on the path towards becoming a State of law. The Romanian electorate had rejected some allegations that Romania was unprepared for democracy, pluralism and modern political life, and in the electoral process the validity of the Constitution had been confirmed by vote of the people. The fundamental meaning of the State of law was the supremacy of the rule of law in society and the basic legal pattern of the State of law and of a market economy had taken shape in Romania. Romania was convinced that the United Nations Decade of International Law should contribute substantially to the supremacy of the rule of law among States.

38. During the period under review, Romania had concluded a number of treaties of friendship and cooperation with France, Germany, Greece, Italy, Spain and Turkey and was negotiating other such treaties. It had also become a party to various multilateral legal instruments deposited with the Secretary-General.

39. Romania had also taken an active part in activities to promote the peaceful settlement of disputes both within the United Nations and at the

(Mr. Voicu, Romania)

regional European level. Within that framework, it had participated in the negotiations held under the auspices of the Conference on Security and Cooperation in Europe for the establishment of a European mechanism for the peaceful settlement of disputes.

40. His Government fully recognized the importance of disseminating international law among young people and was convinced of the value of the rule of law to the development of international relations. It therefore encouraged the teaching, study, dissemination and wider appreciation of international law in State institutions of education and in private universities. The programmes of study of international law were being updated and adapted in accordance with the recommendations of the General Assembly. Post-graduate and other forms of training in international law had been organized for young lawyers and diplomats. The National Committee intended to suggest to the Ministry of Education and to the Ministry of Science that cooperation should be expanded among universities and schools in the field of disseminating international law. It also proposed that some issues of public international law should be studied in secondary schools. International assistance had been received for some of those activities and his delegation subscribed to the view of the United States representative that the activities of the Decade would produce a new generation of international legal scholars, teachers and practitioners, and would bring greater understanding of international law to lawyers in all fields as well as to the general public.

41. In the spirit of the relevant General Assembly recommendations, new institutions and associations had been created to contribute to wider dissemination and appreciation of international law. Useful contributions had been received from several non-governmental institutions, which had sponsored many conferences, round tables and symposia on subjects of international law.

42. His delegation had noted with interest the request addressed to the Secretary-General to prepare a report on the relevant activities of the United Nations, including those of the International Law Commission, aimed at encouraging the progressive development and codification of international law. In that respect, it supported the suggestion, accepted by the International Law Commission, to prepare a publication containing articles contributed by members of the Commission, which would present an overview of the main international law problems on the eve of the twenty-first century. He hoped that the working group established to finalize the outline of that publication would produce proposals that would enable the Commission to make a specific contribution to the Programme of the Decade.

43. The Decade should also be used for acquiring better knowledge of legal traditions and of the original contributions of different nations and personalities who had actively participated in the codification and progressive development of international law. In that respect, he recalled the lecture given at the Hague Academy of International Law in 1938 by the

(Mr. Voicu, Romania)

Romanian Professor Mircea Djuvara, who had stated that all international legal principles were inspired by the idea of justice.

44. The Decade provided a unique opportunity to promote and enhance the cause of peace by strengthening the supremacy of the rule of law and increasing the willingness of States to abide by the norms of international law. The Programme for the Decade must help to create a healthy and just legal environment. Through its Working Group on the Decade, the Committee should therefore continue to be a coordinating body monitoring all activities related to the Decade.

45. Mr. Zarif (Islamic Republic of Iran) resumed the Chair.

46. Ms. WILLSON (United States of America) said that sharpening the international community's focus on ways of implementing the Decade was an extremely significant development. The United States had stressed the need to concentrate on concrete activities during the Decade, such as encouraging the teaching, study, dissemination and wider appreciation of international law, which was particularly productive in achieving a wider understanding and appreciation of the relevance of international law to the lives of people.

47. International law should be effectively promoted through the teaching of international law in primary and secondary schools and in universities, where the values and attitudes of youth were formed. Efforts should also be made to develop model curricula and materials for the teaching of international law at those levels. Such a project would involve combining the skills of educators with an expertise in international law. That suggestion had been particularly well received not only in the Sixth Committee but also in the wider international legal community. It was the involvement of all those interested in international law which would breathe life and vitality into the Decade.

48. Her delegation was pleased to share with members of the Committee an outstanding example of a concrete project to enhance respect for international law through the teaching of international law to the youth of the world. The project was the result of cooperation to implement the Programme for the Decade undertaken by the New York State Bar Association's Law, Youth and Citizenship Programme, with technical assistance from the United Nations Secretariat and financial assistance from the United States Department of Education. It took the form of a teaching textbook on international law entitled International Law and the Society of Nations: An Introduction to Public International Law in the 1990s. The book's chapters addressed broad themes: how international law was made and enforced; the role of the General Assembly, Security Council and International Court of Justice in the international legal regime; and the obligation of States to use peaceful means to resolve their international disputes. The publication was designed to assist social studies teachers and students at the secondary level in global studies, participation in government, and law-related education. Indeed, it was just the kind of text which the Nordic countries had recently called for

(Ms. Willson, United States)

in the debate in the Sixth Committee. The textbook was widely distributed to high schools in New York State and had an accompanying teachers' guide. The New York State Bar Association would be providing teacher training on use of the materials and would be sending a copy to each Permanent Mission.

49. The New York State Bar Association also produced a publication entitled Law Studies - International Law and Organizations in a Changing World, which was distributed to every public and private school in the State of New York.

50. Another student project during the Decade was the Treaty to Prevent Unregulated Deforestation and to Encourage Reforestation Efforts, which was prepared by high-school students from the United States, the Russian Federation and Belgium. With cooperation from the International Court of Justice and the United Nations, the students had presented their original treaty at the World Court at The Hague on Earth Day in 1990. During the previous two years, the students had worked to develop the new proposal incorporating recommendations and suggestions from various international and national governmental agencies.

51. A film showing the presentation of the students was projected.

52. Those examples showed that international law could be brought to life for secondary-school students, a factor which could make an appreciable contribution to the wider dissemination of international law. Through a continuing international dialogue, the Decade could make a difference.

53. Mr. OULD MOHAMED MAHMOUD (Mauritania), speaking on behalf of the countries members of the Arab Maghreb Union (AMU), said that they attached great importance to the objectives of the Decade and had endeavoured to implement them. The AMU countries were parties to a large number of multilateral treaties and believed that wide acceptance of such treaties was likely to promote respect for the principles and norms of international law. At the same time, the process of formulating multilateral conventions must be truly universal, and developing countries must participate fully in that process so that their interests would be reflected in international instruments.

54. The AMU countries welcomed the regular publication by the Secretariat of information on the status of ratifications of, and accessions to, the multilateral treaties deposited with the Secretary-General, and would appreciate similar information on the status of international instruments for which the Organization was not a depositary.

55. Recent changes in the international climate should be conducive to promoting means and methods for the peaceful settlement of disputes between States. The delegations on whose behalf he spoke believed that States, while retaining latitude in the choice of the method which they deemed most appropriate, should encourage resort to the International Court of Justice.

(Mr. Ould Mohamed Mahmoud, Mauritania)

Furthermore, the Court should be given additional resources in view of its increased caseload. The proposal to authorize the Secretary-General to request an advisory opinion of the Court warranted closer scrutiny.

56. The United Nations remained the best framework for the progressive development of international law and its codification. The AMU countries urged continuation of such efforts, particularly in the area of development. The proposal for a possible United Nations Congress on public international law would, if implemented, require thorough preparation and wide acceptance. The Sixth Committee should remain the chief initiating and coordinating body for activities in the field of the progressive development of international law and its codification.

57. One of the major objectives of the Decade was encouragement of the teaching, study, dissemination and wider appreciation of international law. The AMU countries would welcome an increase in the number of training courses provided by United Nations bodies at the regional and international levels. Cooperation should be established between developed and developing countries with regard to research, teaching and training. The AMU countries welcomed the publication under way of the summaries of the judgments and advisory opinions of the International Court of Justice in the official languages of the United Nations. The Sixth Committee, through its Working Group and with the assistance of the Secretariat, should be the coordinating body of the programme for the Decade.

58. Mr. PANTIRU (Republic of Moldova) said that his delegation fully endorsed the programme for the activities for the second term (1993-1994) of the Decade. Of particular interest were the activities relating to the promotion of means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice.

59. In that connection, his delegation supported the recommendation that the Sixth Committee should consider strengthening the use of means and methods for the peaceful settlement of disputes, as well as methods for early identification and prevention of disputes and their containment (A/C.6/47/L.12, annex, chap. II, para. 2 (a)).

60. That question was of great significance to his country in view of the new tensions in the districts on the left bank of the Dniester which were part of the Republic of Moldova. The secessionist policy of the leaders of the separatist movement had prevented implementation of the provisions of the Russian-Moldovan Agreement of 21 July 1992 concerning a peaceful settlement of the armed conflict in those districts.

61. Under those circumstances, his country had sent two letters to the Secretary-General in October 1992 (A/47/497 and A/47/561), requesting that United Nations observers should be sent to the Republic of Moldova, with a mandate to monitor the withdrawal of the 14th Army of the Russian Federation from the territory of the Republic of Moldova.

(Mr. Pantiru, Republic of Moldova)

62. In reiterating that request, his delegation recalled the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field (General Assembly resolution 43/51, annex). Paragraphs 20 and 21 of the Declaration provided that the Secretary-General, if approached by a State or States directly concerned with a dispute or situation, should respond swiftly, and should consider approaching those States in an effort to prevent the dispute from becoming a threat to the maintenance of international peace and security.

63. His delegation believed that small countries should not be at the mercy of large and powerful countries; accordingly, it urged the United Nations and the Conference on Security and Cooperation in Europe to support the efforts of the Republic of Moldova to settle the conflict by peaceful means. The Handbook on the Peaceful Settlement of Disputes emphasized the important role of the Secretary-General in holding consultations with the parties to a dispute, conducting fact-finding activities, and participating in or assisting negotiations; for that reason, his country hoped for a positive response to its request.

64. Turning to chapter IV of the report of the Working Group on the Decade (A/C.6/47/L.12), he said that his country intended to increase the involvement of its academic community in the consideration of international legal issues. The Republic of Moldova believed that the provision of assistance and technical advice at the bilateral and multilateral levels to new Member States in the field of international law would be of great value. As a first step, the specific needs of newly independent States should be ascertained so as to enable donor countries and international organizations to devise appropriate means of providing the required assistance. His country shared the view of the United States that respect for international law could be promoted most effectively through the education of the general public with regard to international law and the rule of law. In that connection, his country was considering accession to existing multilateral treaties, particularly those relevant to the progressive development of international law and its codification.

65. He welcomed the proposal for a possible United Nations Congress on public international law, which would make a significant contribution to the Decade.

66. Mr. CHOI (Republic of Korea) said that, as the world entered a new era of multilateral cooperation, the Decade should be viewed as an opportunity to promote respect for international law and thus to strengthen the basis for the Organization's growing responsibilities, in accordance with Article 1 of the Charter.

67. The world could not, however, afford to assume that the end of the cold war would automatically lead to progress. It was necessary to consider why international law had not so far played the desired role in international

(Mr. Choi, Republic of Korea)

relations. A genuine and substantial effort by the international community would be required to ensure the success of the Decade.

68. Before becoming a Member of the United Nations, his country had implemented various national programmes related to the Decade. Subsequently, its admission to membership had resulted in concerted efforts to promote an understanding and awareness of international law. In 1991, a non-governmental institution, the Seoul International Law Academy, had been established by members of the academic community. The Korean Association of International Law and other organizations had held seminars, symposia and workshops on a number of issues relating to international law. His Government had sponsored several of those organizations and would do so in the future.

69. His country was intent on sustaining the momentum initiated during the first term (1990-1992) of the Decade, and shared the prevailing view that the programme for the next two-year term should be kept along the lines of the 1990-1992 programme, with the necessary adjustments.

70. With regard to promoting the acceptance of and respect for the principles of international law, more must be done to integrate individual States into the overall framework of multilateral treaties and legal instruments; the suggestion that States should harmonize their legislation with the international obligations that they had freely accepted was welcome.

71. Furthermore, there was a need for assistance and technical advice to States aspiring to play a greater role within the multilateral treaty framework, especially to developing countries. The United Nations International Drug Control Programme had made substantial progress in providing legal services to States interested in effectively implementing the international drug control Conventions. Other United Nations bodies might consider similar legal assistance programmes.

72. In order to promote greater respect for international law, national constituencies would have to be convinced of the value of that endeavour; accordingly, one of the central objectives of the Decade was the popularization of international law. It would be appropriate to publish a general manual of international law written for non-specialists.

73. It had been recommended that States should organize training courses in public international law for officials who were not lawyers. His Government was considering the possibility of organizing a programme of lectures and seminars on international law for middle-level government officials.

74. His delegation also welcomed the proposal for a possible United Nations congress on public international law to be held during the next term of the Decade. Although further clarification on the agenda of such a congress would be useful, it could substantially advance the efforts related to the Decade.

75. Mr. KAZI (Pakistan) said that the report of the Secretary-General (A/47/384 and Add.1) provided a useful basis for discussion in the Working Group. Pakistan supported the proposed programme of activities for the second term (1993-1994) of the Decade (A/C.6/47/L.12, annex).

76. His delegation noted with interest the activities undertaken by States and international organizations and institutions to promote the acceptance of and respect for the principles of international law. His delegation also noted with satisfaction that some Member States had become parties to a number of multilateral treaties. The change in the political climate offered new opportunities in that regard. The Decade would help to enhance the rule of law in international relations.

77. The promotion of means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice, was already being discussed within the framework of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. The report of the Secretary-General entitled "An Agenda for Peace" (A/47/277-S/24111) was a timely and useful document.

78. The principle of the peaceful settlement of disputes was the cornerstone of his country's policy. Pakistan had accepted the compulsory jurisdiction of the International Court of Justice and believed that there should be greater recourse to the Court. The Court should play a greater role in the collective security system; in that connection, his country welcomed the Secretary-General's initiative in establishing the Trust Fund to assist countries in the peaceful settlement of disputes through the Court.

79. His country welcomed the publication of the summaries of the judgements and advisory opinions of the Court. The popularization of international law was at the heart of the Decade. The United Nations system, regional organizations and Member States should continue to sponsor seminars, symposia and training courses on various aspects of international law, and assistance should be provided to participants from developing countries.

80. His delegation supported the proposal for a possible United Nations congress on public international law and believed that the Secretariat should be authorized to start preparatory work for such a congress.

81. The programme for the Decade should strengthen international peace and security. The progressive development of international law should facilitate human progress within the framework of a just international order. His country believed that underdevelopment and economic disparity among States were among the main factors of social and political instability. In the context of the Decade, attention should be given to solutions to international economic problems through such measures as a reduction of interest rates, increased development assistance, curbs on protectionist policies and trade barriers, technology transfers to developing countries and the stabilization of commodity prices.

82. Mrs. TSONEVA (Bulgaria) said that the report of the Secretary-General on the item (A/47/384 and Add.1) was a very useful document, containing as it did the replies received from States and international organizations and giving a clear picture of what had been done to implement the programme nationally and internationally. Clearly, a serious effort had been made which reflected the political changes that had taken place in the world and formed a good basis for the new programme worked out during the current session.

83. So far as acceptance of and respect for the principles of international law were concerned, unless all States did their best to act in conformity with international law and the Charter, and accepted the multilateral treaties and applied them as part of their national law, international legal norms would remain a dead letter. Governments, governmental and non-governmental organizations and the organs of the United Nations could all play an important role in that connection.

84. In his report entitled "An Agenda for Peace", the Secretary-General had laid stress on strengthening the role of the International Court of Justice. In Bulgaria's view, one of the main tasks of the Decade should be to encourage States to accept the compulsory jurisdiction of the Court as one means for a peaceful settlement of disputes in regard to bilateral and multilateral agreements. Studying the activities of the Court more frequently in the Sixth Committee and promoting consultations between the International Court of Justice and national courts were useful suggestions for the new programme.

85. Her delegation was in favour of convening a congress on international public law and was ready to contribute to it. The congress would need to be well organized in advance and to have a well-established programme. The results of its debates, provided they were not of a political character, could be an inspiration to the Decade.

86. Despite the welcome improvements in the world situation, the need to strengthen the capacity of the United Nations in regard to the maintenance of international peace and security was still pressing. Bulgaria had been one of the first in the General Assembly to advocate the establishment of an international criminal court and the codification of international law on those matters.

87. The teaching, study and dissemination of international law was particularly important. Seminars and the publication of the summaries of the judgements and advisory opinions of the International Court would be very useful in that connection. Her delegation would work wholeheartedly to carry out the programme for the Decade.

AGENDA ITEM 134: REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY (continued) (A/47/26; A/C.6/47/L.13)

88. Mr. MOUSHOUTAS (Cyprus), Chairman of the Committee on Relations with the Host Country, introducing draft resolution A/C.6/47/L.13, said that the aim of

(Mr. Moushoutas, Cyprus)

the drafters and sponsors of the current resolution remained the same as in previous years. The draft was well balanced and covered the main concerns of the diplomatic community and of the host country, namely the security of missions, their privileges and immunities, and indebtedness. It incorporated the recommendations and conclusions adopted unanimously by the Committee on Relations with the Host Country and the opinions expressed during the debate on the item in the Sixth Committee. He hoped that, as in previous years, the draft resolution would be unanimously adopted.

89. Mr. FISSENKO (Belarus) said that his delegation wished to join in sponsoring the draft resolution.

90. Draft resolution A/C.6/47/L.13 was adopted.

91. The CHAIRMAN said that the Committee had thus concluded its consideration of agenda item 134.

AGENDA ITEM 129: REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FORTY-FOURTH SESSION (continued) (A/47/10; A/C.6/47/L.14)

92. The CHAIRMAN invited the Committee to take action on draft resolution A/C.6/47/L.14 on the report of the International Law Commission on the work of its forty-fourth session.

93. Mr. ZMIEYVSKIY (Russian Federation) said that his delegation wished to present a number of corrections to the Russian text of the draft resolution.

94. The CHAIRMAN said that the Secretariat would note the corrections and make the necessary changes.

95. Draft resolution A/C.6/47/L.14 was adopted.

96. Mr. THIAM (Guinea), speaking on behalf of the African Group of States of the Sixth Committee, said that, in joining the consensus on the resolution, the delegations had reaffirmed their view of the importance to the international community of the struggle against international organized crime. They accordingly accepted the idea of an international criminal jurisdiction and agreed on the priority nature of the issue. They believed, however, that the question of an international criminal court should be considered within the framework of the draft Code of Crimes against the Peace and Security of Mankind. They also felt that, in view of the importance of the matter, the work of the International Law Commission should not be subject to a rigid timetable. The concerns of all States would need to be taken into account in order to make a statute for an international criminal court acceptable and they trusted that the International Law Commission would continue to display the necessary flexibility.

97. Ms. GOLAN (Israel) said that, if paragraph 6 of the draft resolution had been put to the vote, her delegation would have abstained. The subject

(Ms. Golan, Israel)

entailed too many important issues which needed to be clarified before an adequate decision could be taken. In continuing its work, the International Law Commission would have to decide the question of the personal jurisdiction of the international criminal court as well as the need to limit the initiation of a complaint to a State party to the proposed statute which had accepted the court's jurisdiction with respect to the offence in question. Other matters the Commission would have to consider included the need for the consent of all the States concerned, the elaboration of a system of preliminary investigation, the elaboration of an extradition procedure, the establishment of a system of prosecution, the establishment of adequate rules of due process of law, the question of the law to be applied and the question of the execution of the punishment.

98. Mrs. VALDES (Cuba) said that her delegation had joined the consensus on the resolution but would have been unable to vote for all its provisions if it had been put to the vote. She would have preferred the International Law Commission to concentrate on examining the opinions of Member States in the coming year rather than proceeding with the elaboration of a draft statute for an international criminal court. Her delegation's acceptance of the resolution was without prejudice to its final position when the work of the International Law Commission was completed.

99. Ms. WILLSON (United States of America) said that, in adopting the resolution, the Committee had not decided to establish an international criminal court but only to continue the process whereby a fully informed decision could be made at the proper time. A number of complex legal and practical issues remained to be examined and the resolution made it clear that the International Law Commission should consider them fully before drafting provisions for a proposed statute. Clarification of those issues would be criticial to determining whether and in what manner an international criminal court should be established. If those issues and the views of Governments, as well as the practical considerations involved, were to be thoroughly considered, the Commission could not be expected to complete the drafting of a statute at its next session. Accordingly, the resolution provided that the Commission should submit a progress report for consideration at the forty-eighth session of the General Assembly.

100. Mr. NEUHAUS (Australia) said that the mandate given to the International Law Commission to elaborate a draft statute for an international criminal court was an important development and the task should be undertaken by the Commission as a matter of priority. His delegation looked forward to receiving a progress report at the next session of the General Assembly and hoped that the work would be completed as soon as possible. The view that the time had come to move forward on the matter was widely shared, and his delegation urged all Governments to assist and support the International Law Commission in its task.

101. Mr. MIRZAEE-YENGEJEH (Islamic Republic of Iran) said that his delegation's acceptance of the resolution should not be interpreted as approval of all its aspects, or as a commitment to accept any future draft statute before a very careful examination. His delegation reserved the right to express its views on the technical aspects of the proposed draft statute in due course.

102. Mr. KOROMA (Sierra Leone) said that the International Law Commission had responded to the wishes of the international community in presenting its report on the feasibility of an international criminal jurisdiction. It should continue on that path as a matter of priority to ensure that the project was expeditiously completed.

103. Mr. KAZI (Pakistan) said that, during the debate on the report of the International Law Commission, his delegation had made it clear that the establishment of an international criminal court involved many complex and difficult issues, including the question of the applicable law. The matter should be addressed with great care and without undue haste. His delegation therefore had reservations in regard to paragraph 6 of the resolution. The adoption of the request to the Commission to continue its work before Member States had been given an opportunity to give their views on it had prejudge the comments that would be submitted to the Secretary-General on the report of the Working Group under paragraph 5 of the resolution. That was not acceptable to his delegation, which believed that States should have been given an opportunity to study the issues before the Commission had been asked to continue its work on the question.

104. Mr. STRAUSS (Canada) said that the resolution referred to issues that were important to many States and strong divergent views had been expressed. His delegation was pleased, therefore, that the resolution represented the achievement of a compromise that was acceptable to all. The debate in the Sixth Committee had been a clear indication of the very active international interest in the topic. Recent international events underscored the need for progress on the establishment of an international criminal jurisdiction for the trial of international offences. His delegation hoped that a preliminary draft statute would be submitted to the Assembly at its next session and a draft statute at the forty-ninth session.

105. Other expert bodies and interested organizations could contribute to the work of the International Law Commission on the matter. An international meeting of experts was to be held in Vancouver, early in 1993, by the International Centre for Criminal Law Reform. It would give experts from a wide range of countries an opportunity to discuss an approach to the establishment of an international criminal court in a concrete fashion.

106. Mr. CHATURVEDI (India) said that, if a vote had been taken on paragraph 6 of the resolution, his delegation would have abstained. It believed that the question of according priority to the project for the elaboration of a draft

(Mr. Chaturvedi, India)

statute for an international criminal court should first have been discussed in the General Assembly.

107. Mr. LIN Dagun (China) said that his delegation believed that the establishment of an international criminal jurisdiction would be an ideal form of international cooperation. However, given the philosophical differences between States and the political complications, its practical feasibility was doubtful. The task assigned to the International Law Commission was, therefore, not an easy one. It would need to consider the report of the Working Group fully and to consult Governments before making very careful preparations. In his delegation's opinion, setting a rigid timetable for the Commission would be counter-productive. Although it was not perfectly satisfied with the resolution, his delegation had joined the consensus in a spirit of compromise and a desire to offer the maximum cooperation.

108. Mr. WOOD (United Kingdom), speaking on behalf of the member States of the European Community, welcomed the adoption of the resolution. The International Law Commission had been given a mandate to draft the statute for an international criminal court as a matter of priority. It was hoped that the draft statute would be submitted to the General Assembly in the shortest possible time. As reflected in paragraph 6 of the resolution, the project constituted a major undertaking and should be dealt with by the International Law Commission as a new and distinct item.

109. The CHAIRMAN said that the Committee had thus concluded its consideration of agenda item 129.

AGENDA ITEM 133: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued) (A/47/33; A/C.6/47/L.15)

110. Mr. KOROMA (Sierra Leone) said that his delegation wished to join the sponsors of draft resolution A/C.6/47/L.15.

The meeting rose at 6.10 p.m.